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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/669,903	09/24/2003	Keith L. Willis	A3407	6636

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ROCHESTER, NY 14644

EXAMINER

MORRISON, THOMAS A

ART UNIT	PAPER NUMBER
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3653

DATE MAILED: 12/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/669,903

Applicant(s)

WILLIS, KEITH L.

Examiner

Thomas A. Morrison

Art Unit

3653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 24 September 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 June 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1 and its dependent claims 2-9, these claims recite that the second flat member is movable relative to the first flat member...

In contrast, paragraph [0015] and Fig. 3 of the instant application appear to disclose that it is the first flat member (12) that can be moved away from the second flat member (14). As such, the recitation in independent claim 1 appears to be inaccurate.

Regarding claim 8, there is insufficient structure recited in this claim to understand what causes an edge of the sheet to be inclined away from the hinge.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3, 5 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Westover et al. In particular, Westover et al. discloses all of the limitations of claims 1, 3, 5 and 7.

Regarding claim 1, Figs. 1-4 show an apparatus for conveying sheets (10), comprising

a transport, the transport comprising a first flat member (14) and a second flat member (15) disposed substantially parallel to the first flat member (14), a gap between the first flat member (14) and second flat member (15) forming a path (12) suitable for movement of sheets (37) therethrough, the path (12) being disposed substantially vertically;

the second flat member (15) being movable relative to the first flat member (14) to release a sheet (37) disposed in the path (12); and

a bottom structure (including 13), disposed at a bottom of the transport, for causing an edge of a sheet (37) landing thereon to be inclined. In particular, when a user moves the second flat member (15) away from the first flat member (14), the sheet (37) will fall onto the bottom structure (including 13) and flop over to the right or left side of the center of the path (12) and the front and rear vertical edges of the sheet (37) will curve to the right or left. As such, these edges will be inclined as claimed.

Regarding claim 3, Figs. 2-4 show that the bottom structure (including 13) includes a tipping member (at location of lower section of 18).

Regarding claim 5, Figs 1 and 4 show that the apparatus further comprises

at least one set of rollers (38, 38) mounted on at least one of the first flat member (14) and the second flat member (15), the rollers (38, 38) operatively disposed in the path (12) and engaging a sheet (37) moving through the path (12).

Regarding claim 7, Fig. 3 shows that the apparatus further comprises  
a hinge (including 33) attached to at least one of the first flat member (14) and the second flat member (15).

3. Claims 1, 3-4, 6-7 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Pardubitzki. In particular, Pardubitzki discloses all of the limitations of claims 1, 3-4, 6-7 and 9.

Regarding claim 1, the Pardubitzki patent discloses an apparatus for conveying sheets (including P2, P1 and rollers 3) in a single sheet printer (Abstract), comprising  
a transport, the transport comprising a first flat member and a second flat member (P2) disposed substantially parallel to the first flat member, a gap between the first flat member and second flat member (P2) forming a path (b) suitable for movement of sheets therethrough, the path (b) being disposed substantially vertically. The second flat member (P2) is shown and the first flat member is explained, e.g., at column 6, lines 49-56. Also, Fig. 4 of Pardubitzki clarifies that there are guides on both sides of the paper path. The second flat member (P2) is movable relative to the first flat member to release a sheet disposed in the path (b).

Also, a bottom structure (including F and rollers 3) is disposed at a bottom of the transport, for causing an edge of a sheet landing thereon to be inclined. In particular, when a user moves the second flat member (P2) away from the first flat member, a

sheet will fall onto the bottom structure (including F and rollers 3) and flop over to the right or left side of the center of the path (b) and the front and rear vertical edges of the sheet will curve to the right or left. As such, these edges will be inclined as claimed.

Regarding claim 3, Fig. 2 shows that the bottom structure (including F and rollers 3) includes a tipping member (curvature of roller 3). For example, the sheet can contact rollers 3, bend over to the right or left of the center of the path (b) and lay against one of the members F on one of the sides of the paper path.

Regarding claim 4, the tipping member (roller 3) can be considered to be a rod.

Regarding claim 6, Fig. 1 shows that the apparatus further comprises at least one on-ramp (a) for inserting a sheet into the path (b).

Regarding claim 7, Fig. 2 shows that the apparatus further comprises a hinge (D1) attached to at least one of the first flat member and the second flat member (P2).

Regarding claim 9, Pardubitzki discloses that the apparatus for conveying sheets is in a single sheet printer. See Abstract. As such, the apparatus includes a marking engine as claimed.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Westover et al. as applied to claim 1 above, and further in view of Miller et al.

Westover et al. discloses an apparatus for conveying sheets including a transport with first and second flat members (14 and 15) and a bottom structure (including 13), but does not specifically disclose that the bottom structure (including 13) includes an inclined ramp.

The Miller et al. patent discloses a well known apparatus for conveying sheets with a bottom structure (60) that includes an inclined ramp (68) which eliminates, or at least reduces, the chance of a document from becoming jammed in the bottom structure (60). See, e.g., column 5, lines 13-26. It would have been obvious to one of ordinary skill in the art at the time of the invention, to provide the Westover et al. apparatus with a bottom structure having an inclined ramp, to eliminate, or at least reduce, the chance of a document from becoming jammed, as taught by Miller et al.

#### ***Allowable Subject Matter***

5. Claim 8 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Also, this claim needs to be amended to overcome the 35 U.S.C. 112, second paragraph rejection as set forth above.

#### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent Nos. 3,821,519 (Pietenpol) and 4,815,726 (Pagowski et al) each disclose an apparatus for conveying sheets including first and second flat members and a bottom structure;


U.S. Patent No. 4,448,407 (Bashford et al.) discloses an apparatus for conveying sheets including first and second flat members and a roller;

Japanese Publication Nos. 4-7227, 4-20443 and 4-39238 each disclose an apparatus for conveying sheets including first and second flat members, rollers and an on-ramp.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Morrison whose telephone number is 703-305-0554. The examiner can normally be reached on M-F, 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Walsh can be reached on 703-306-4173. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
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